

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**HB 1509 - SB 1774**

February 7, 2016

**SUMMARY OF BILL:** Requires court clerks of circuit/criminal courts and general sessions courts to report final disposition of criminal proceedings to the Tennessee Bureau of Investigation (TBI) as soon as practicable, but not later than 15 days after final disposition.

**ESTIMATED FISCAL IMPACT:**

**Increase State Expenditures – \$12,900/One-Time**

**Increase Local Expenditures – \$200,000/Recurring\***

**Assumptions:**


- Tennessee Code Annotated § 8-4-115(a)(1)(C), requires a law enforcement agency to report criminal proceedings to the TBI, but the law enforcement agency may enter into an agreement with the court clerk for the clerk to report through an automated process.
- The Administrative Office of the Courts (AOC) maintains the Tennessee Court Information System (TnCIS).
- Court clerks are authorized to use TnCIS, but are not required to use it.
- Currently, 82 of the 95 court clerks in Tennessee use TnCIS, but only 33 clerks, or approximately 61 circuit/criminal and general sessions courts, use it to report information on criminal proceedings.
- TnCIS submits data every night, and the TBI can access it as needed. These court clerks would be in compliance with the provisions of the bill.
- The remaining court clerks, as well as court clerks not using TnCIS, would have to comply with the 15-day deadline for reporting this information. They would either have to begin using TnCIS, or report manually.
- It is assumed that the 50 court clerks using TnCIS that do not use it to report data would begin using TnCIS to report data.
- The AOC would have to develop a table for approximately 100 courts (the 50 court clerks not reporting in TnCIS represent approximately 100 circuit/criminal and general session courts) for the court clerk to submit data under TnCIS.
- The AOC indicates that it would require temporary resources in order to accomplish approximately 300 additional hours of work (100 courts x 3 hours per court) consisting of preparing the required tables.

- The one-time increase in state expenditures, assuming an hourly rate of \$43, is estimated to be \$12,900 (300 hours x \$43.00 per hour).
- The remaining 15 court clerks would need to adapt their current system, if they are using one, or report manually.
- Information from county government sources indicates that court clerks reporting manually would need to hire additional staff.
- It is assumed that eight of the fifteen court clerks will report manually and will have to hire one additional staff member to report all final dispositions within fifteen days.
- An average staff member with a court clerk will increase expenditures by approximately \$25,000 per year
- The mandatory and recurring increase in local expenditures is estimated to be \$200,000 (\$25,000 x 8 court clerks).

\*Article II, Section 24 of the Tennessee Constitution provides that: *no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

## **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.



Krista M. Lee, Executive Director

/trm